



Sen. William Delgado

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09800SB3092sam002

LRB098 15075 NHT 58810 a

1 AMENDMENT TO SENATE BILL 3092

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3092, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, as follows:

5 by replacing line 25 on page 5 through line 3 on page 7 with the  
6 following:

7 "of 1974 and its accompanying rules; and"; and

8 on page 10, line 23, by deleting "or" ; and

9 on page 10, line 26, by replacing "services." with "services;  
10 or"; and

11 on page 10, immediately below line 26, by inserting the  
12 following:

13 "(3) designed to support a study of students or former  
14 students."; and

1 on page 11, by replacing lines 1 through 24 with the following:

2 "(i) Any person aggrieved by any violation of this Section  
3 may institute an action for injunctive relief in the circuit  
4 court of the county in which the violation has occurred or the  
5 circuit court of the county in which the school is located. Any  
6 person injured by a willful or negligent violation of this  
7 Section may institute an action for damages in the circuit  
8 court of the county in which the violation has occurred or the  
9 circuit court of the county in which the school is located. In  
10 the case of any successful action under this paragraph, any  
11 person or school found to have willfully or negligently  
12 violated any provision of this Section is liable to the  
13 plaintiff for the plaintiff's damages, the costs of the action,  
14 and reasonable attorney's fees, as determined by the court.

15 Actions for injunctive relief to secure compliance with  
16 this Section may be brought by the State Board, by the State's  
17 Attorney of the county in which the alleged violation has  
18 occurred or the State's Attorney of the county in which the  
19 school is located, in each case in the circuit court of such  
20 county.

21 Willful failure to comply with this Section is a petty  
22 offense, except that any person who willfully and maliciously  
23 falsifies any school student record, student permanent record,  
24 or student temporary record is guilty of a Class A misdemeanor.

25 Absent proof of malice, no cause of action or claim for

1 relief, civil or criminal, may be maintained against any  
2 school, employee or official of a school, or person acting at  
3 the direction of a school for any statement made or judgment  
4 expressed in any entry to a school student record of a type  
5 that does not violate this Section or rules adopted by the  
6 State Board, provided that this paragraph does not limit or  
7 deny any defense available under existing law."; and

8 on page 11, line 25, by replacing "(k)" with "(j)"; and

9 on page 12, line 2, by replacing "(l)" with "(k)".